

**The Court made the following:**

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**HON'BLE SRI JUSTICE G. BHAVANI PRASAD**

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**WRIT PETITION No.33877 of 2012**

**ORDER:**

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Heard Sri K. Ravinder Reddy, learned counsel representing Sri G. Arun Kumar, learned counsel for the petitioner and Sri C. Damodar Reddy, learned Standing Counsel for respondents 1 to 3.

2. The petitioner claimed the organization to be a service oriented organization without any profit motive and it was issued a Work Order, dated 07.05.2005, for construction and maintenance of public conveniences on B.O.T. Basis. The petitioner claims to have constructed four Toilet Blocks in the respective places spending Rs.6 to Rs.7 lakhs for each Block and the petitioner entered into a Memorandum of Agreement, dated 17.08.2005, with the third respondent. The Agreement ought to have been renewed for a further period of five years after the expiry of the original period of five years as per Clause 9 of the Agreement and the respondents gave the same work for a period of 30 years to M/s.Sulabh International Social Service Organization, Patna, A.P. State Branch, while the petitioner society consisting of only local members was discriminated against in the matter. A tender notification, dated 12.10.2012, was issued by the second respondent and the representation of the

petitioner, dated 31.10.2011, was not considered before issuing the said notification. The petitioner, therefore, desired that the issuance of the tender notification be declared illegal, the petitioner be continued to be permitted to maintain the four Toilet Blocks of public conveniences and to consider the representation of the petitioner.

3. Sri C. Damodar Reddy, learned Standing Counsel for respondents 1 to 3 stated that the representation of the petitioner, if pending, will be duly examined and disposed of, expeditiously. In view of the said statement of the learned Standing Counsel, an appropriate direction can be given to the respondents to take an appropriate decision, in accordance with law, on the representation of the petitioner before finalization of the tenders in pursuance of the impugned notification.

4. Therefore, the third respondent shall duly examine, consider and pass appropriate orders on the representation of the petitioner, dated 31.10.2011, and communicate the same to the petitioner, as expeditiously as possible, at any rate before the finalization of the process in pursuance of the tender notification, dated 12.10.2012. Till the communication of the decision of the third respondent on the representation of the petitioner or till a selection is made in pursuance of the impugned notification, whichever is later, the petitioner may be permitted to continue to do the work as earlier. The Writ Petition is disposed of, accordingly, with the above direction. No costs.

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**G. BHAVANI PRASAD, J**

Date: 31<sup>st</sup> October, 2012

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